



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200

DALLAS TEXAS 75202-2733

**DATE:** October 30, 2014

**SUBJECT:** Request for the Biweekly Exception for Maximum Earnings Limitation for Emergency Responders Working the (E15601) Mid Valley Pipeline Oil Spill

**FROM:** Carl Edlund, Division Director Superfund Division

**TO:** Ron Curry, Regional Administrator

**THRU:** James McDonald, Assistant Regional Director

Request your concurrence to allow for an exception to the biweekly maximum earnings limitation for emergency response work that is being performed near Mooringsport, LA in response to the Mid Valley Pipeline Oil Spill. EPA Region 6 personnel have been on scene since October 13, 2014.

**Situation:**

On October 13, 2014, a 20" Sunoco pipeline discharged approximately 4500 barrels of crude oil into Miller Branch Creek and Tete Bayou. Approximately 10 miles of creek/bayou were impacted before being stopped just prior to impacting Caddo Lake. Residents from two homes were temporarily relocated until it was deemed safe for them to return. EPA mobilized personnel to the incident to ensure that the spill was safely and properly cleaned up, impacts from the response were minimized and response actions are coordinated with local, state and federal response partners. A unified command was established with the following agencies: EPA, Louisiana State Police & Sunoco. Supporting agencies include: Louisiana Louisiana Department of Environmental Quality, US Fish and Wildlife, Louisiana Wildlife and Fisheries & Caddo Parish Sheriff Office.

**Personnel Affected by this Waiver:** William Rhotenberry, Nicolas Brescia, Matthew Loesel and Mike McAteer

**Pay Periods Affected:**

Oct 5 to Oct 18, 2014

Oct 19 to Nov 1, 2014

Nov 2 to Nov 15, 2014

**Mission Critical Determination:**

This emergency response action is deemed mission critical to the agency. EPA is ensuring that adequate response actions are taken to recover the oil and prevent further migration of the oil downstream, the public remains safe and the impact of response actions are minimized. Failure to perform this mission would be detrimental to the agency.

**Response Strategy:**

EPA employees will be required to work extensive overtime hours to meet respective response cleanup schedules. These hours are kept to a minimum whenever practical, however there are particular needs of the response and the response command staff. This response requires EPA to serve as the Federal On-Scene Coordinator (FOSC) within the Unified Command to establish response objectives and ensure that the objectives are met. In the course of carrying out the program's mission, the staff were required to work long hours to prevent further risk or injury to the public or further harm and degradation to the environment.

**Management of Work Schedules:**

The work schedules of the individuals that worked these hours are not considered excessive and are required to meet program objectives. Adjustments to employee work schedules were not made during the impacted pay periods because response activities and operational tempo remains high. The response still requires a seven day work week. Management intends to manage this response to completion with the currently assigned personnel to foster consistency and accountability, lessons learned from previous large response actions.

The authorization to waive the pay requirements comes from the Regional Administrator's Authority under the provisions of 5 CFR 550.106 (a) to designate a "Non Natural Emergency Disaster Designation" that involves a direct threat to life and property related to the continuation of the potential public health threat created by the incident.

CONCUR

\_\_\_\_\_  
DATE: \_\_\_\_\_

Ron Curry  
Regional Administrator

NON-CONCUR

\_\_\_\_\_  
DATE: \_\_\_\_\_

Ron Curry  
Regional Administrator